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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,612	10/07/2003	Tazwell L. Anderson JR.	20973-4	5555

7590 03/28/2007

Dean D. Small
The Small Patent Law Group LLP
Suite 1611
611 Olive Street
St. Louis, MD 63101

EXAMINER	
SAFAIPOUR, BOBBAK	

ART UNIT	PAPER NUMBER
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	**Application No.** 10/680,612	**Applicant(s)** ANDERSON ET AL.
	Examiner Bobbak Safaipour	**Art Unit** 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/5/04, 1/25/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

The information disclosure statement submitted on 1/25/2005 and 4/5/2004 has been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shimomura al (US Patent #6,526,580 B2)** in view of **Mayo (US Patent #5,133,081)**.

Consider **claim 1**, Shimomura al disclose a method for providing content for access by a portable device at an event, the method comprising: receiving a plurality of signals (read as receiving digital information) from a plurality of sources (read as origination sources) (col. 3, lines 51-53; figure 1; A data broadcast control center receives digital information from a number of different data origination sources); combining (read as multiplexing) at least some of the plurality of signals (read as digital information) for transmission to a plurality of broadcast systems (read as broadcasters, figure 2b labeled "Broadcaster" 251-253) (col. 4, lines 4-8; col. 5, lines 24-32; The broadcast control center then multiplexes the received digital information stream from data origination source with digital information stream from other sources), the plurality of broadcast systems corresponding to a plurality of events (col. 5, lines 35-45; The broadcasters may create data broadcast formatted content with local advertisers and news content (read as plurality of events) which provide data broadcast content to the data broadcast digital information streams); and determining the broadcast systems to which each of the combined signals is to be transmitted (figures 1 and 2b; col. 5, lines 24-32; The multiplexing unit must multiplex all of the processed digital information streams into a number of outgoing digital information); and transmitting the combined signals to at least one of the determined broadcast systems (col. 5, lines 24-32; The multiplexer distributes the outgoing digital information stream to the broadcasters).

Although Shimomura et disclose broadcasting the combined signals received by at least one of the broadcast systems corresponding to at least one event (col. 5, lines 33-45; Each broadcaster multiplexes the data broadcast information within their local signal and may create additional data broadcast formatted content with local advertisers and local news that provide data broadcast content to the data broadcast digital information streams), Shimomura et al fail to disclose the combined signals configured to allow selection of content with a portable device, the content defined by at least one of audio and video signals of the combined signals.

In related art, Mayo teaches remote message transmitters that transmit messages over FM or microwave transmission channels. A central programming station includes a controller that transmits and receives signals to the remote message transceiver. The transceivers are placed at specific locations so that the user can tune to an FM broadcast band channel to listen for information, such as information relating to goods and services, traffic and/or tourist information. The user selects the category of desired information using the keypad, which is part of the receiver system. The controller monitors all data decoded by the decoder and if the data being received is the type that is selected the user is notified and the information can be displayed. (col. 6, lines 14-55; col. 19, line 42 to col. 20 line 7; figures 1 and 10)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mayo into the teachings of Shimomura al to broadcast different sets of messages in different broadcast areas of coverage.

Consider **claim 13**, Shimomura al disclose a method of providing content for access by a user at an event, the method comprising: receiving a plurality of signals (read as receiving digital information) from a plurality of sources (read as origination sources) (col. 3, lines 51-53; figure 1; A data broadcast control center receives digital information from a number of different data origination sources), the plurality of signals received at an event and broadcast by a system located at the event (col. 5, lines 24-45; All of the receiver stations will receive the data broadcast signals from all the participating broadcasters).

Shimomura al fail to disclose receiving via a portable device and outputting at least one of video and audio content based upon at least one of the plurality of signals selected with the portable device

In related art, Mayo teaches remote message transmitters that transmit messages over FM or microwave transmission channels. A central programming station includes a controller that transmits and receives signals to the remote message transceiver. The transceivers are placed at specific locations so that the user can tune to an FM broadcast band channel to listen for information, such as information relating to goods and services, traffic and/or tourist information. The user selects the category of desired information using the keypad, which is part of the receiver system. The controller monitors all data decoded by the decoder and if the data being received is the type that is selected the user is notified and the information can be displayed. (col. 6, lines 14-55; col. 19, line 42 to col. 20 line 7; figures 1 and 10)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mayo into the teachings of Shimomura al to broadcast different sets of messages in different broadcast areas of coverage.

Consider **claim 16**, Shimomura al disclose a system for providing content for access by a portable device at an event, the system comprising: a combining component (read as multiplexing unit) for combining at least some of a plurality of received signals for transmission at a plurality of events (figures 1 and 2b; col. 5, lines 24-32; The multiplexing unit must multiplex all of the processed digital information streams into a number of outgoing digital information); and a transmission component for transmitting at least one of the combined signals to at least one of the plurality of events (col. 5, lines 24-32; The multiplexer distributes the outgoing digital information stream to the broadcasters).

Shimomura et al fail to disclose a broadcast component corresponding to one or more of the events for receiving the at least one combined signal and broadcasting at the event audio and video signals defined by the combined signal, the audio and video signals configured to allow for selection with a portable device at the event.

In related art, Mayo teaches remote message transmitters that transmit messages over FM or microwave transmission channels. A central programming station includes a controller that transmits and receives signals to the remote message transceiver. The transceivers are placed at specific locations so that the user can tune to an FM broadcast band channel to listen for information, such as information relating to goods and services, traffic and/or tourist information. The user selects the category of desired information using the keypad, which is part of the receiver system. The controller monitors all data decoded by the decoder and if the data being received is the type that is selected the user is notified and the information can be displayed. (col. 6, lines 14-55; col. 19, line 42 to col. 20 line 7; figures 1 and 10)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Mayo into the teachings of Shimomura al to broadcast different sets of messages in different broadcast areas of coverage.

Consider **claim 2,** and **as applied to claim 1 above,** Shimomura al, as modified by Mayo, disclose the claimed invention wherein at least one of the plurality of sources is located remote from the event. (Shimomura et al: figure 1, col. 3, lines 50-65)

Consider **claim 3,** and **as applied to claim 1 above,** Shimomura al, as modified by Mayo, disclose the claimed invention wherein at least one of the broadcast systems is located at an event. (Shimomura et al: figure 2b, col. 5, lines 24-45; Mayo: col. 4, lines 40-61)

Consider **claim 4,** and **as applied to claim 1 above,** Shimomura al, as modified by Mayo, disclose the claimed invention further comprising categorizing the plurality of signal based upon geographic location for use in combining the signals. (Mayo: col. 4, lines 40-61)

Consider **claim 5,** and **as applied to claim 1 above,** Shimomura al, as modified by Mayo, disclose the claimed invention further comprising selecting signals for combining based upon predetermined criteria. (Shimomura et al: figure 2b, col. 5, lines 24-45)

Consider **claim 6,** and **as applied to claim 1 above,** Shimomura al, as modified by Mayo, disclose the claimed invention further comprising selecting signals for combining based upon user preferences at each of the events. (Mayo: col. 19, line 42 to col. 20 line 7)

Consider **claim 7,** and **as applied to claim 1 above,** Shimomura al, as modified by Mayo, disclose the claimed invention further comprising determining at least one communication link for use in transmitting the combined signals. (Shimomura et al: col. 2, lines 28-44)

Consider **claim 8,** and **as applied to claim 1 above,** Shimomura al, as modified by Mayo, disclose the claimed invention wherein the content comprises at least one of audio relating to the event, video relating to the event, audio relating to another event, video relating to another event, and advertising content. (Shimomura et al: col. 5, lines 24 to 45)

Consider **claim 9,** and **as applied to claim 1 above,** Shimomura al, as modified by Mayo, disclose the claimed invention wherein the content comprise one of live and stored content. (Mayo: col. 4, lines 40-61)

Consider **claim 10,** and **as applied to claim 1 above,** Shimomura al, as modified by Mayo, disclose the claimed invention wherein the broadcasting comprises transmitting the combined signals within a proximity of the event. (Mayo: col. 4, lines 40-61)

Consider **claim 11,** and **as applied to claim 1 above,** Shimomura al, as modified by Mayo, disclose the claimed invention wherein audio and video signals of the combined signal are broadcast on a plurality of frequencies and the portable device is configured to select content from the plurality of frequencies. (Mayo: col. 4, lines 40-62, col. 6, lines 32-39)

Consider **claim 12,** and **as applied to claim 1 above,** Shimomura al, as modified by Mayo, disclose the claimed invention wherein audio and video signal of the combined signal are broadcast on a plurality of frequencies and the portable device is configured to select content from the plurality of frequencies each defined by a predetermined selectable channel of the portable device. (Mayo: col. 4, lines 40-62, col. 6, lines 32-39)

Consider **claim 14,** and **as applied to claim 13 above,** Shimomura al, as modified by Mayo, disclose the claimed invention wherein the content defined by the plurality of signals is selected based upon at least one of geographic location and user preferences. (Mayo: col. 4, lines 40-61)

Consider **claim 15,** and **as applied to claim 13 above,** Shimomura al, as modified by Mayo, disclose the claimed invention wherein the plurality of signals are each transmitted via a different frequency corresponding to a channel of the portable device, and wherein the outputting is based upon a channel selection. (Mayo: col. 4, lines 40-62, col. 6, lines 32-39)

Consider **claim 17,** and **as applied to claim 16 above,** Shimomura al, as modified by Mayo, disclose the claimed invention wherein the signals are received from a plurality of sources, wherein at least one of the sources is located remote from the event. (Shimomura et al: figure 1, col. 3, lines 50-65)

Consider **claim 18,** and **as applied to claim 16 above,** Shimomura al, as modified by Mayo, disclose the claimed invention wherein the combining component is configured to combine the signals based upon at least one of geographic location and user preferences. (Mayo: col. 4, lines 40-61)

Consider **claim 19,** and **as applied to claim 16 above,** Shimomura al, as modified by Mayo, disclose the claimed invention further comprising a routing component to route signals for transmission to events based upon at least one of geographic location and user preferences. (Mayo: col. 4, lines 40-61)

Consider **claim 20,** and **as applied to claim 16 above,** Shimomura al, as modified by Mayo, disclose the claimed invention wherein the broadcast component is configured to broadcast the plurality of audio and video signals at a plurality of frequencies, with the portable device configured such that a predetermined selectable channel corresponds to each of the frequencies. (Mayo: col. 4, lines 40-62, col. 6, lines 32-39)

Consider **claim 21,** and **as applied to claim 16 above,** Shimomura al, as modified by Mayo, disclose the claimed invention wherein at least one of the broadcast components is located at one or more of the events. (Shimomura et al: figure 2b, col. 5, lines 24-45; Mayo: col. 4, lines 40-61)

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Bobbak Safaipour
B.S./bs

February 22, 2007

EDAN ORGAD
PRIMARY PATENT EXAMINER

Edan Orgad 3/5/07